

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

EXPRESS MAIL LABEL NO.: N/A

September 13, 2007

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 4100.P0424US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5): 10/593 923

CONFIRMATION NO.: 5881

INTERNATIONAL APPLICATION NO.: PCT/EP2005/003128

INTERNATIONAL FILING DATE: March 23, 2005

PRIORITY DATE CLAIMED: March 23, 2004

TITLE OF INVENTION: RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR FOR INCITING  
A MOVEMENT OF A TEAT CUP CLUSTER

APPLICANT(S) FOR DO/EO/US: (1) Jakob MAIER, Jr., (2) Wilfried HATZACK

---

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

09/21/2007 MKAYPAGH 00000103 10593923

01 FC:2615

1475.00 0P

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13<sup>ter</sup>.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - A. Resubmission of Amendment Before First Office Action
  - B. Transmittal Responding to Notification of Missing Requirements submitted June 21, 2007
  - C. Amendment Transmittal submitted June 21, 2007
  - D. Amendment Before First Office Action submitted June 21, 2007
  - E. Copy of Postal Card stamped received by the USPTO
  - F. Postal Card

The following fees have been submitted:	Calculations	PTO USE ONLY
21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a)) .....\$300.00	\$	
22. <input type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0.00 All other situations .....\$200.00	\$	
23. <input type="checkbox"/> Search Fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0.00 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority .....\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400.00 All other situations .....\$500.00	\$	
<b>TOTAL OF 21, 22 AND 23 =</b>	<b>\$0.00</b>	

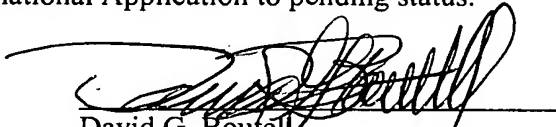
[ ] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	79 - 20 =	59	x \$ 50.00	\$2,950.00	
Ind. claims	3 - 3 =	0	x \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00				\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$2,950.00	
[X] Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. <b>SUBTOTAL =</b>				\$1,475.00	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+	\$
<b>TOTAL FEES ENCLOSED =</b>				\$1,475.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$

- a. [X] A check in the amount of \$1,475.00 to cover the above fees is enclosed.  
b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.  
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.  
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

IN DUPLICATE

**PLEASE DIRECT CORRESPONDENCE TO  
THE ADDRESS ASSOCIATED WITH THE  
FOLLOWING CUSTOMER NUMBER: 23474**

300.04/07

  
David G. Boutell  
Registration Number: 25 072  
DGB/DJW/jas

FLYNN, THIEL, BOUTELL & TANIS, P.C.  
2026 Rambling Road  
Kalamazoo, Michigan 49008-1631

PATENT APPLICATION

Applicant(s): Jakob MAIER, Jr., et al.

Title: RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR FOR  
INCITING A MOVEMENT OF A TEAT CUP CLUSTER

PCT International Application No.: PCT/EP2005/003128

PCT International Filing Date: March 23, 2005

U.S. Application No.

(if known, see 37 CFR 1.5): 10/593 923

Confirmation No.: 5881

Atty. Docket No.: 4100.P0424US

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FIRST CLASS MAILING CERTIFICATE

Sir:

I hereby certify that this correspondence is being  
deposited with the United States Postal Service under 37 CFR  
1.8 as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450, on September 17, 2007.

  
David G. Boutell

DGB/DJW/jas

FLYNN, THIEL, BOUTELL	Dale H. Thiel	Reg. No. 24 323
& TANIS, P.C.	David G. Boutell	Reg. No. 25 072
2026 Rambling Road	Terryence F. Chapman	Reg. No. 32 549
Kalamazoo, MI 49008-1631	Mark L. Maki	Reg. No. 36 589
Phone: (269) 381-1156	Liane L. Churney	Reg. No. 40 694
Fax: (269) 381-5465	Brian R. Tumm	Reg. No. 36 328
	Steven R. Thiel	Reg. No. 53 685
	Donald J. Wallace	Reg. No. 43 977
	Sidney B. Williams, Jr.	Reg. No. 24 949

Correspondence: Form PTO-1390 including enclosures listed  
thereon

390.05/05

Express Mail Label No.: N/A

IN THE U.S. PATENT AND TRADEMARK OFFICE

September 13, 2007

Applicant(s) : Jakob MAIER, Jr., et al.  
For : RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR  
FOR INCITING A MOVEMENT OF A TEAT CUP  
CLUSTER

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


RESUBMISSION OF AMENDMENT BEFORE FIRST OFFICE ACTION

Sir:

The purpose of this resubmission is to insure that the proper fees are paid and the appropriate claims are made part of the record and are examined.

According to our deposit account statement we have been credited in the amount of \$1,475.00 in the above-identified patent application. We are resubmitting at this time our Amendment Before First Office Action which was originally submitted on June 21, 2007, together with the Amendment Transmittal calculating the claims fees due in the amount of \$1,475.00 and Postal Card stamped received by the USPTO.

Respectfully submitted,



David G. Boutell

DGB/DJW/jas

FLYNN, THIEL, BOUTELL	Dale H. Thiel	Reg. No. 24 323
& TANIS, P.C.	David G. Boutell	Reg. No. 25 072
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	Steven R. Thiel	Reg. No. 53 685
	Donald J. Wallace	Reg. No. 43 977
	Sidney B. Williams, Jr.	Reg. No. 24 949

Encl:           Amendment Transmittal submitted June 21, 2007  
                  Amendment Before First Office Action submitted  
                                June 21, 2007  
                  Postal Card stamped received by the USPTO  
                  Postal Card

336.05/03

Received the following: First Class Mailing  
Certificate; Form PTO-1390 (in duplicate); Copy of  
Notice of Missing Requirements Under 35 U.S.C. 371;  
Declaration; Verified English Translation of  
specification with translator's certificate;  
Preliminary Amendment Canceling Claims; Amendment  
Transmittal (in duplicate); Amendment Before First  
Office Action; Information Disclosure Statement; Form  
PTO-1449 with non-English references listed thereon;  
and check (\$2,095.00)

Applicant(s): Jakob MAIER, Jr., et al.

Title: RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR  
FOR INCITING A MOVEMENT OF A TEAT CUP CLUSTER

PCT International Application No.: PCT/EP2005/003128

PCT International Filing Date: March 23, 2005

U.S. Application No.: 10/593 923

Confirmation No.: 5881

Express Mail Label No.: N/A

Our Ref: 4100.P0424US

Due: July 22, 2007 (Sunday)

(00077900.DOC)

**IAP12 Rec'd PCT/PTO 25 JUN 2007**

7

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

EXPRESS MAIL LABEL NO.: N/A

June 13, 2007 (Submitted 6-21-07)

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INTERNATIONAL APPLICATION NO.: PCT/EP2005/003128  
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  - A. Copy of Notification of Missing Requirements Under 35 U.S.C. 371
  - B. Amendment Transmittal
  - C. Amendment Before First Office Action
  - D. Post Card

The following fees have been submitted:	Calculations	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic National Fee (37 CFR 1.492(a)) .....\$300.00	\$0.00	
22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0.00 All other situations .....\$200.00	\$200.00	
23. <input checked="" type="checkbox"/> Search Fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0.00 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400.00 All other situations .....\$500.00	\$400.00	
<b>TOTAL OF 21, 22 AND 23 =</b>	<b>\$600.00</b>	

U.S. APPLICATION NO. (if known, see 37 CFR 1.5): 10/593 923  
INTERNATIONAL APPLICATION NO.: PCT/EP2005/003128  
ATTORNEY'S DOCKET NUMBER: 4100.P0424US

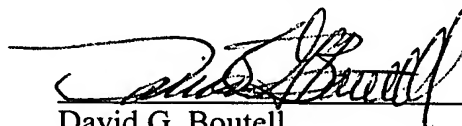
[X] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
122 - 100 =	22/50 =	1	x \$250	\$250.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	1 - 20 =	0	x \$ 50.00	\$0.00	
Ind. claims	1 - 3 =	0	x \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00				\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$980.00</b>	
[X] Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. <b>SUBTOTAL =</b>				<b>\$490.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$130.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$620.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$620.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$

- a. [X] A check in the amount of \$2,095.00 to cover the fees is enclosed.  
b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.  
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.  
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

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PLEASE DIRECT CORRESPONDENCE TO  
THE ADDRESS ASSOCIATED WITH THE  
FOLLOWING CUSTOMER NUMBER: 23474

300.04/07

  
David G. Boutell  
Registration Number: 25 072  
DGB/DJW/jas

FLYNN, THIEL, BOUTELL & TANIS, P.C.  
2026 Rambling Road  
Kalamazoo, Michigan 49008-1631

## IN THE U.S. PATENT AND TRADEMARK OFFICE

June 21, 2007

Applicant(s): Jakob MAIER, Jr., et al.

Title: RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR FOR INCITING A  
MOVEMENT OF A TEAT CUP CLUSTER

Serial No.: 10/593 923

Group: 3643

Confirmation No.: 5881

Filed: Unknown

Examiner: Unknown

International Application No.: PCT/EP2005/003128

International Filing Date: March 23, 2005

Atty. Docket No.: 4100.P0424US

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Herewith is an amendment in the above-identified application.


☐ Applicant claims small entity status. See 37 CFR 1.27.☐ The additional filing fee has been calculated as shown below:

For	No. Filed	No. Extra	( ) LG Entity	RATE	(X) SM Entity	Fee
Total Claims	(79 - 20 = 59)		x \$ 50.00		x \$ 25.00	1,475.00
Indep. Claims	(3 - 3 = 0)		x \$200.00		x \$100.00	0.00
[ ] Multiple Dep. Claim			+ \$360.00		+ \$180.00	0.00
* * * TOTAL FILING FEE * * *						\$1,475.00

☐ Pursuant to 37 CFR 1.136(a), please extend the shortened period for response by month(s). The extension fee is: \$.☒ A Check for \$2,095.00 is enclosed to cover fees.☒ Please credit any overpayment, or charge any additional filing fee required under 37 CFR 1.16 or 1.17 by this communication, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

IN DUPLICATE

DGB/DJW/jas

  
 David G. Boutell Reg. No. 25 072